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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,794	09/30/1999	KAUSHAL KURAPATI	PHA-23.790	4468
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			<div>EXAMINER</div> <div>LAZARO, DAVID R</div>	
			<div>ART UNIT</div> <div>2155</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/408,794

Applicant(s)

KURAPATI ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed 11/04/2002.
2. Claims 1-21 were amended.
3. Claims 1-21 are pending in this office action.

Response to Amendment

4. Applicant's arguments with respect to claims including limitations directed to obtaining information from a television signal have been considered but are moot in view of the new ground(s) of rejection.
5. Remaining arguments are addressed in the Response to Arguments section.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 19-21 are claimed as being computer program products. However, the claimed limitations include "means for". It is not clear as to what applicant is attempting to claim as a computer program product do not contain "means" but rather they contain instructions in some form.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 15, 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,890,152 by Rapaport et al. (Rapaport).

11. With respect to claim 15, Rapaport teaches a receiver apparatus for obtaining content from multiple information sources for viewing by a viewer, comprising:

an input/output ("I/O") controller including an Internet connection input, a video output, and a selector input (column 2, lines 29-34); an

adaptive user profile database (column 2, line 34);

a filter coupled to the adaptive user profile database, the filter being coupled to the I/O controller for filtering information from the Internet connection input in accordance with the adaptive user profile database (column 33, lines 36-55; column 13, lines 24-33); -

an output display device configured to display a virtual library through the video output (column 2, line 30 and fig 15a); -

a populator that populates the virtual library with virtual multiple media collections using the filtered information from the implicit filter (column 33, lines 36-55 and fig 15a);

a browser that browses the virtual library in accordance with the selector input (column 33, lines 36-55 and fig. 15a).

a recommender that recommends virtual media in the virtual multiple media collections in the virtual library to a user based on a user profile for the user (Col. 5 lines 29-42 and Col. 7 lines 44-58).

12. With respect to claim 16, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising: an identifier that identifies a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24); and an updater that updates the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

13. With respect to claim 19, Rapaport teaches computer program product comprising a computer readable medium having program logic recorded thereon for enabling a computer-enabled apparatus to display personalized information for a user from multiple information sources, comprising:

means for populating a virtual library with a plurality of different virtual media collections in accordance with a user profile (Col. 5 lines 36-39, Fig. 15a), wherein the virtual library is populated with different types of media obtained from different media sources (Col. 1 lines 10-65 and Col. 5 lines 29-43: information from the internet is diverse in both type and source; Col. 6 lines 1-8 - intranet and compact disk).

means for browsing the virtual library by moving between the plurality of different media collections under user control (Col. 5 lines 29-42, Fig. 15a).

14. With respect to claim 20, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising: means for identifying a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24); and means for updating the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-14, 17, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,890,152 by Rapaport et al. (Rapaport) in view of U.S. Patent 5,861,881 by Freeman et al. (Freeman).

17. With respect to claim 1, Rapaport teaches a method comprising:

establishing a user profile for the user based on various interests of the user
(Col. 2 lines 41-44);

establishing a virtual unified space including a virtual library (Col. 2 lines 27-40,
Fig. 15a);

populating the virtual library with a plurality of different virtual media collections in
accordance with the user profile (Col. 5 lines 36-39, Fig. 15a); and

browsing the virtual library by moving between the plurality of different media collections under user control (Col. 5 lines 29-42, Fig. 15a).

Rapaport does not explicitly disclose wherein the plurality of the different virtual media collections includes information obtained from a broadcasted television signal. Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65).

It would have been obvious to one of ordinary skill in the art to use the information obtained from a broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information from a broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

18. With respect to claim 2, Rapaport further teaches wherein the plurality of the different virtual media collections includes information obtained from an analog television signal (In Freeman: Col. 6 lines 50-57)

19. With respect to claim 3, Rapaport further teaches wherein the plurality of the different virtual media collections includes information obtained from a vertical blanking interval of an analog television signal (In Freeman: Col. 6 line 50-57).

20. With respect to claim 4, Rapaport further teaches wherein the plurality of the different virtual media collections includes information received from a radio, a cable and a satellite broadcast (In Freeman: Col. 6 lines 15-20 - any type of transmission).

21. With respect to claim 5, Rapaport further teaches that the user profile establishing step comprises: - presenting a variety of questions to the user about the user's interests (In Rapaport: column 7, line 53); and - creating a user profile based on the user's answers to the questions (In Rapaport: column 7, lines 51-78).

22. With respect to claim 6, Rapaport further teaches that the populating step comprises: acquiring information items from a plurality of information sources of different media type in accordance with the user profile (In Rapaport: figure 15a); and placing the information items into the virtual multiple media collections based on their respective information sources (In Rapaport: figure 15a).

23. With respect to claim 7, Rapaport further teaches that the populating step comprises: - comparing the user profile with a collective profile database to establish a similar collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); - acquiring information items from a plurality of information sources of different media type in accordance with the collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); and media collections based on their respective information sources (In Rapaport: column 18, lines 58- 67; column 19, lines 1-16).

24. With respect to claim 8, Rapaport further teaches - comparing the user profile with a collective profile database to establish a similar collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); - acquiring information items from a plurality of information sources of different media type in accordance with the collective profile (In Rapaport: column 18, lines 58-67; column 19, lines 1-16); and media

collections based on their respective information sources (In Rapaport: column 18, lines 58- 67; column 19, lines 1-16).

25. With respect to claim 9, Rapaport further teaches wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising: identifying a selection of at least one of the information items by the user from one of the media collections (In Rapaport: Col. 3 lines 22-24); and updating the user profile in accordance with the identifying step (In Rapaport: Col. 3 lines 24-26).

26. With respect to claim 10, Rapaport further teaches augmenting the user profile in accordance with a collaborative database (In Rapaport: Col. 7 lines 44-58).

27. With respect to claim 11, Rapaport further teaches searching the virtual unified space with a search engine under user control (In Rapaport: column 5, lines 29-42); and - updating the user profile in accordance with the search step (In Rapaport: column 5, lines 29-42).

28. With respect to claim 12, Rapaport further teaches storing results of the searching step as media collections in the unified space for browsing by the user (In Rapaport: column 5, lines 29-42).

29. With respect to claim 13, Rapaport further teaches filtering results of the searching step in accordance with the user profile (In Rapaport: column 9, 29-39; column 10, lines 32-50).

30. With respect to claim 14, Rapaport further teaches prioritizing results of the searching step in accordance with the user profile (In Rapaport: column 38, lines 15-24; column 38, lines 30-35).

31. With respect to claim 17, Rapaport teaches all the limitations of claim 16 and further teaches the virtual media collections include information obtained from the Internet (Col. 5 lines 28-43).

Rapaport does not explicitly disclose obtaining information from a broadcasted television signal. Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65).

It would have been obvious to one of ordinary skill in the art to use the information obtained from a broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information from a broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

32. With respect to claim 18, Rapaport further teaches wherein the I/O controller further comprises an input for receiving television programs, including additional information through the television program and electronic program guide information, the filter being coupled to the I/O controller for filtering information from the television program input in accordance with the adaptive user profile database (In Rapaport: column 13, lines 24-33 This is inherent to the invention of Rapaport et al., because the invention refers to 'media files', which include television programs) (In Freeman: Col. 4 lines 7-65).

33. With respect to claim 21, Rapaport further teaches wherein the different media sources include internet data but does not disclose the media sources include a broadcasted television signal.

Freeman teaches obtaining information for a media collection from a broadcasted television signal (Col. 4 lines 7-65).

It would have been obvious to one of ordinary skill in the art to use the information obtained from a broadcast television signal in a media collection as disclosed by Freeman to form part of the media collection taught by Rapaport. Using the known technique of obtaining information from a broadcast television signal to provide media information desired by Rapaport would have been obvious to one of ordinary skill in the art.

Response to Arguments

34. Applicant's arguments with respect to claim 15, filed 11/26/2007, have been fully considered but they are not persuasive.

35. Applicant argues - *"Amended independent claim 15 is directed towards a receiver that includes, inter alia, a recommender that recommends virtual media in virtual multiple media collections in a virtual library to a user based on a user profile for the user. Rapaport et al. is silent regarding a recommender, let alone a recommender that recommends virtual media in virtual in multiple media collections in a virtual library to a user based on a user profile for the user. Accordingly, the rejection of claim 15 should be withdrawn."*

- a. Examiner's response - The claimed limitations do not describe the details of the recommending, only a general aspect that media is recommended based

on a user profile. Rapaport teaches obtaining media files based on the user's profile. As such, the media of the media collection presented to the user, in fig. 15a for example, is media that is recommended by system of Rapaport. The examiner considers this form of recommending to be within the scope of the claimed subject matter.

36. Applicant argues - "Amended independent claim 19 includes a virtual library that is populated with different types of media obtained from different media sources. In contrast, Rapaport et al. discloses obtaining media files from a single media source - the Internet."


b. Examiner's response - The internet is itself offers a diverse selection of media sources and media types as described in the background of Rapaport. The examiner considers this to be within the scope of the claimed subject matter. Even considering the internet, as a whole, to be a single media source, Rapaport states "computer 102 may access interent/**intranet** by way of wireless communication. In other embodiments, Personal Feedback browser 108 may be used to obtain information **from a compact disk** in CD-ROM drive 110." (Col. 6 lines 1-8 - emphasis added). Clearly, the internet is not the only media source even from applicant's interpretation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
December 22, 2007